IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Crl.Rev.Pet.No. 1036 of 2007()

CRA.934/2005 of ADDL. SESSIONS COURT, THRISSUR
MC.243/2005 in ST.425/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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REVN. PETITIONERS/ APPELLANT/CR.PETITIONER:

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1. DHARMAJAN, S/O.KRISHNAN,
   THURUTHY HOUSE, CHENTRAPPINNY, KODUNGALLUR.

2. GOVINDAN,
   S/O.KRISHNAN, KONNAPARAMBATH HOUSE,
   CHENTRAPPINNY, KODUNGALLUR, THRISSUR DISTRICT.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENT/ RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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Crl.R.P.NO.1036 OF 2007

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Dated this the 9th day of March,2007

ORDER

The revision petitioners, who are the sureties against whom proceedings under Section 446 Cr.P.C, has been initiated and have been imposed with a penalty of Rs.25,000/- each, as modified by the appellate court. It is the case of the revision petitioners that the accused for whom they stood as sureties is totally laid up due to the complications of diabetes and hence, they could not produce the accused. The appellate court has considered the same and thereafter, reduced the penalty from Rs.50,000/- to Rs.25,000. I find that before the Judicial First Class Magistrate Court revision petitioners did not turn up. It is also seen that the revision petitioners has not produced any objective evidence as to the fact that the accused is laid up and unable to move. All the same, considering the facts of the case, the orders of the court's below are set aside. The revision petitioners are directed to appear before the Judicial First Class Magistrate Court and produce evidence to prove their version, and the court below shall consider the same on merits and dispose of the matter. The petitioners shall appear before the Judicial First Class Magistrate

Court , Kodungalloor on 10.04.2007. R.R proceedings are to be kept in abeyance till the disposal of the M.C by Judicial First Class Magistrate Court.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE

dvs